

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Accelerating of Broadband Development:)	WC Docket No. 11-59
Expanding the Reach and Reducing the)	
Cost of Broadband Deployment by)	
Improving Policies Regarding Public Rights)	Reply Comments
of Way and Wireless Facilities Siting)	

To: The Commission

REPLY COMMENTS OF CITY OF MEDINA, WASHINGTON

City of Medina, Washington
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INTRODUCTION

The City of Medina submits these reply comments in response to the comments filed by PCIA – The Wireless Infrastructure Association in the Commission’s Notice of Inquiry¹. Medina takes issue with many of the facts that allegedly support the PCIA’s comments; however, Medina believes that other reply comments to be filed with the Commission will address those concerns. Medina’s reply comments therefore focus upon comments made by PCIA with regard to the City which Medina feels compelled to respond to in order to more fully develop the record for the Commission to consider.

Medina takes issue with the PCIA’s comments found at Section V of Appendix B to the PCIA comments. The PCIA asserts that the City of Medina has retained wireless consultants who are obstructionist and are a source of many barriers and prohibitive costs associated with deployment of wireless facilities by charging excessive application fees, imposing superfluous application requirements, requiring discretionary review for collocations and delaying the application and review process.² The PCIA’s comments regarding Medina’s use of consultants are baseless.

¹ Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting, Notice of Inquiry, 26 FCC RCD 5384 (2011)(“NOI”).

² The PCIA states at Section V of appendix B, “Wireless consultants are the source of many of the barriers and prohibitive costs associated with the deployment of wireless facilities. It is common practice for these consultants to charge excessive application fees, impose superfluous application requirements (including proof of need), require discretionary review for collocations, and delay the application and review process. Jurisdictions that retain consultants identified by the wireless infrastructure industry as obstructionists and problematic include . . . Washington, Medina, City of”

DISCUSSION

The City of Medina is a small suburban community of about 3,000 people located near the City of Seattle. It is an affluent community ranking 49th highest per capita income in the United States. The policies of the City have historically favored limiting access for new wireless facilities due to the almost exclusively single-family residential character of the community. This character makes it very difficult to site wireless facilities in a manner that is un-intrusive to residents who live adjacent to wireless facilities.

In 2010, the City underwent a major policy transformation to improve access for wireless facilities due to advances in wireless technologies. For the City the key was new smaller wireless equipment that could fit into the residential character of the City. In conducting this policy transformation, the City used consultant to help understand the particulars of the changes in the wireless industry and to provide options. The expertise of the consultant was instrumental in helping the City adopt new regulations that opened up the public rights-of-way to wireless facilities. The City spent about \$15,000 for the consultant's services, which was paid for by local tax dollars.

The City also has policies for small government and that development must pay for itself. Because our staff is small, consultants are an integral part of the City's review process for all permits, not just wireless facilities. Consultants do not set application fees, impose application requirements, or require discretionary review for collocation. They do not arbitrarily set permit requirements. All of these are set by local ordinances crafted by the City to reflect local circumstances and state law. Similar to the need for expertise cited above, wireless consultants provide peer review of the technical

documents to ensure compliance with local, state and federal regulations. Without this help, small cities like Medina do not have the expertise or resources to evaluate technical reports for accuracy and professional standards. A lack of expertise by the City erodes the public's confidence that the public interest is being protected. Maintaining public confidence is important because it reduces conflict and the barriers often associated with conflict. The cost of peer review generally ranges between \$1,000 and \$5,000 depending on how well application materials are prepared.

In summary, the role of consultants in Medina has been significant towards improving local access for wireless facilities. It's worth noting that before the City undertook its policy change, a firm that builds wireless infrastructure attempted to circumvent local requirements to install a distributed antenna system in the City's rights-of-way. This attempt was done without any consideration given to how their actions might impact local residents or their property and very likely would have ended up in a legal challenge. The employment of consultants allowed the City to engage in a constructive dialog that led to regulatory changes that improved access to wireless facilities.

Respectfully Submitted,



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